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Security Council

Sixty-seventh year

Provisional

6768th meeting

Thursday, 10 May 2012, 3 p.m.

New York

President:	Mr. Mehdiyev	(Azerbaijan)
Members:	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mr. Araud
	Germany	Mr. Wittig
	Guatemala	Mr. Rosenthal
	India	Mr. Hardeep Singh Puri
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Tarar
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	Togo	Mr. Kandangha-Bariki
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

The situation in Libya

Letter dated 23 March 2012 from the Chairman of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya addressed to the President of the Security Council (S/2012/178)

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12-33510 (E)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

Letter dated 23 March 2012 from the Chairman of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya addressed to the President of the Security Council (S/2012/178)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Ian Martin, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on the agenda.

I wish to draw the attention of Council members to document S/2012/178, which contains a letter dated 23 March 2012 from the Chairman of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya addressed to the President of the Security Council.

I now give the floor to Mr. Martin.

Mr. Martin: Libya is approaching a key moment in its democratic transition. On 1 May, the registration of voters opened for the election of a national congress — the first election since those that took place, under considerable limitations, more than 45 years ago. The High National Elections Commission reported that, by last night, some 1,024,000 voters had registered at over 1,500 registration centres throughout Libya. I will later indicate the difficulties facing the electoral process, but that is no small achievement.

There continue to be other positive signs that Libya is moving towards democracy. Following the local election in Misrata in February, a number of other cities have planned to elect local councils, some in the coming weeks. Libyans are increasingly exercising their freedom of speech; free media is developing at a rapid pace; and civil society organizations, many of them led by young people and women, are being established across the country. There is a strong desire on the part of the public to be active and involved and to be consulted on matters of local and national interest — a right of which they have been deprived for the past 42 years — as well as a determination to hold their leaders accountable. One can clearly sense that, for the first time in a generation, people are unafraid to speak out.

In the context of that newly found freedom, local conflicts and tensions that existed before the revolution, but were repressed, are surfacing more clearly. Some of those tensions have escalated into armed conflict, testing the reach and authority of the Government's security apparatus and its ability to impose the rule of law.

On 26 March, fighting erupted between Tabu and Arab brigades in Sabha, the major city of south-west Libya. The situation rapidly deteriorated over a five-day period of fighting, resulting in 147 dead and approximately 500 wounded. At the outbreak of the fighting, a joint delegation of the Government and the National Transitional Council (NTC) was dispatched to Sabha to lead negotiations for a ceasefire, with the support of local tribal and security leaders. The Ministry of Defence deployed troops from the national army, supported by revolutionary brigades from outside the area, to help secure and enforce the ceasefire. United Nations agencies and the International Organization for Migration provided humanitarian assistance to the displaced families in the area.

Soon after, on 1 April, fighting broke out between the western Libyan towns of Zuwara, on one side, and Al-Jumail and Regdalin, on the other. Clashes, reportedly involving heavy weapons, continued for three days, until a 48-hour ceasefire was agreed. Unconfirmed reports indicate that 48 people lost their lives. The Government responded rapidly by dispatching a force to the area to enforce the ceasefire — a mix of national army and Ministry of Interior units and revolutionary brigades from various cities. There has been a history of conflict between the two sides, usually ascribed to ethnic differences, attitudes toward the previous regime and rivalry for control of smuggling routes. I visited the area in late April and met in all three cities with local officials and civil society, who voiced their support for the reconciliation efforts under way by the Government and the NTC.

On 21 April, fighting erupted for the second time this year in the south-east town of Kufra, between the Tabu community and elements from the national army which had been deployed to the area in February to enforce the ceasefire. The NTC dispatched a delegation, together with the Ministry of Defence, to negotiate a 48-hour ceasefire. The ceasefire was broken 24 hours after it began with increased clashes, including the reported use of heavy weapons. In an effort to halt the clashes, the Minister of Defence visited the communities on 25 April, and, though the situation continues to be tense, the fighting has subsided. Unconfirmed reports indicate that several persons were killed and dozens wounded.

In each case, the Government took swift action in deploying forces and mediation capacities immediately after the conflicts started, and with each case the Government's reaction improved and lessons learned were taken into consideration. Each case has further highlighted the fact that rapid action is necessary to defuse local tensions and prevent their entrenchment. But, in addition to the immediate response, in these cases as well as in other cities such as Bani Walid and Sirte, the provision of long-term security, the delivery of services and the pursuit of reconciliation are then required to fully address these conflicts. Unfortunately, these conflicts have compounded an already complex and ambitious workload for the NTC and the Government, forcing them to divert attention from other key priorities.

Meanwhile, the Government has also faced disturbances resulting from discontent among some of the armed brigades. The most contentious issues are perceived inequities in the treatment of war wounded and the decision to suspend payments to former revolutionary fighters while procedures are put in place to properly regulate the disbursement of funds. The latest incident at the Prime Minister's Office on Tuesday, in which one person was killed and others injured, indicates the seriousness of that discontent, but it also displays a growing Government determination and capacity to confront those taking to violence in pursuit of their demands.

There is progress in the area of economic recovery. Currently, some 1.4 million barrels a day of oil are being produced. Individuals, for the most part, now have access to their bank deposits. There are visible signs of new commercial activity. With the approval of the budget, smaller construction projects are able to be resumed. The overall reconstruction process will not be fully operational until the return of foreign companies and investors, currently inhibited by security concerns, though Libyan private-sector companies are resuming activities. Two international trade conferences took place in Tripoli during the month of April, offering the Government the opportunity to present its investment and management plans for the country's reconstruction and future development. On 29 March, the Ministry of Planning hosted a meeting with the international community to present the Government's strategic plan, which builds on the 10 transitional goals outlined by the interim Government in November and articulates sectoral plans and targets that will serve as a foundation for the Government's activities, as well as the coordinated support of international partners.

However, the scale of the challenges, coupled with the high expectations of the Libyan people for tangible and quick progress, has strained the interim political system. Five months have passed since the appointment of the Government, and, though all parties understood that the tasks set forth for the transitional authorities were ambitious, both the executive and legislative branches have become increasingly frustrated by the lack of progress in a number of sectors. The NTC has been requesting explanations in that regard, and there have been debates within the NTC about a possible no-confidence vote in the Government. Such debates show a commitment to democratic accountability, but have created a sense of instability in an already fragile system. It is important that the executive and legislative branches work together to ensure that tangible progress, especially on security and the decentralization of Government services, can be seen by the citizens of Libya in the short time that remains prior to the elections and a new Government.

The transitional authorities at the national and local levels deserve credit for returning the country to relative normalcy and maintaining an environment in which people are living and working freely, children are going to school and basic services are available. But the Libyans' expectations of concrete progress in the post-revolution period are strongest in relation to security, where ordinary Libyans would like to see a coherent process of rebuilding institutions, establishing the rule of law and integrating the revolutionary forces. Major challenges and gaps remain, and the United

Nations Support Mission in Libya (UNSMIL) continues to support the Government's efforts in these areas.

UNSMIL's police advisers, embedded within the Ministry of the Interior, continue to provide support in the areas of training, border security, logistics, election security and media outreach. UNSMIL continues to co-chair the international coordination mechanism, with a view to assisting the Ministry in the development of its priorities and plans and coordinating the international community's bilateral offers of assistance, so as to ensure that they best address the needs of the Libyan police.

A long-term plan is under way for the comprehensive reform and restructuring of the Ministry of Interior, including the police, and will require significant enhancement of capacities in the areas of effective decision-making, management and strategic planning. At the same time, recent crises have led to the call for an acceleration of efforts to rehabilitate the Libyan armed forces, and the Minister of Defence and Chief of Army Staff have asked bilateral and international partners to coordinate their efforts in that respect.

A key issue related to public security is the integration or demobilization of the revolutionary fighters and the control of weapons. The Libyan public regards advances in this respect as a key measure of overall post-revolutionary progress and Government performance. So far, results in this area have been mixed. Given the weak capacity of the State security apparatus to absorb immediately the revolutionary fighters, the Government has developed an interim mechanism in the form of a Supreme Security Committee (SSC), operating under the authority of the Ministry of Interior, with branches across the country. It is positive that the SSC goes some way towards providing a unified command and control of the brigades and limits their fragmentation. It has also provided the State with a pool of auxiliary forces for quick dispatch alongside the national army to crisis areas. Thus far, according to the Ministry of Interior, approximately 60,000 to 70,000 fighters have registered to take part in the SSC. But as the SSC was designed as a temporary body, the challenge is now to plan for their eventual integration into the Ministry, as it undergoes its own reform processes. It is essential that the transition take place as a matter of priority, so that the SSC does not become a parallel security structure.

Meanwhile, the Warriors Affairs Commission continues to register fighters and some weapons, and is working with the Ministry of Labour to determine the civilian job opportunities available. Stronger coordination of plans for integration, demobilization and reintegration is needed to avoid confusion and duplication of effort, and planning needs to go on to address further the control of weapons and disarmament.

A key concern for Libya, and equally for its neighbours, the wider region and international partners, continues to be border security. The Libyan authorities currently face severe capacity and capability limitations. A new border security and strategic installations protection force is being established; the Libyan armed forces need to be rehabilitated; the Libyan customs service has been depleted of most of its resources; and police and immigration services require strengthening and training in almost all areas of their responsibilities. Establishing effective border security and management mechanisms will take years and is a complex task. It requires a whole-of-Government approach, across several key ministries, and coordination and collaboration between the different security organs of the State, at all levels. Sustained international focus and assistance will be essential.

The United Nations will continue to support those efforts by providing advice, expertise and coordination, in close cooperation with the Libyan authorities and their bilateral partners. A key priority remains developing an urgent action plan for improved security and integrated control of the southern border, under joint command and control structures. The United Nations and bilateral partners stand ready to work with the Libyan authorities on such a plan, which would facilitate the provision of international assistance to the various agencies involved.

While I continue to believe that the Libyan Government is committed to ensuring its citizens' access to justice and the rule of law, serious obstacles are hampering the process. Thousands of prisoners remain in conflict-related detention. The transfer of prisons and detainees to the custody of the Ministry of Justice is progressing only slowly. The Ministry has stated that 31 facilities — holding some 3,000

detainees — are now under its control. Control over those facilities is often shared with other parties, including the brigades that had been running them. An additional number of detainees — perhaps around 4,000 — are still in the custody of brigades, either at formal or secret detention facilities.

Cases of mistreatment and torture of detainees continue. Recently, UNSMIL expressed deep concern regarding the deaths of three individuals at a detention centre in Misrata controlled by the Supreme Security Committee, and therefore under the authority of the Ministry of the Interior. The deaths all occurred on 13 April, and we have credible information that they were a direct result of torture, as well as information that at least seven other persons were tortured at the same facility.

I have pressed both the Prime Minister and the Minister of the Interior about the need to investigate those cases and to prevent further abuse through a robust inspection regime. The Supreme Security Committee of Misrata publicly condemned those acts and committed its support to investigations and appropriate legal action. We will work with the Libyan authorities to ensure that there is follow-up on those cases, as well as with regard to allegations of torture that we have received from elsewhere in Libya, including detention facilities in Tripoli, Zawiya and Zintan.

Addressing those practices should be a top Government priority in pursuit of a new culture of human rights and the rule of law in post-revolution Libya. In that respect, new Government bodies were established in the past two months to investigate human rights complaints. Those incidents also underline the importance of accelerating the transfer of detainees into the custody of the Ministry of Justice, where they will be guarded by judicial police.

UNSMIL is engaging closely with the Libyan prison administration to address its capacity gaps, and is urging the adoption of an overall prosecutorial strategy in relation to the legacy of the former regime and the conflict. Such a strategy could significantly contribute to building trust in the legal system.

Progress is also needed on the implementation of other aspects of transitional justice, including the formal appointment of members of the fact-finding and reconciliation commission established by the transitional justice law and the search for and identification of missing persons.

On 2 May, the NTC adopted several new laws, including a law granting amnesty for some crimes, a law on criminalizing the glorification of the dictator and a law on some procedures for the transitional period. The last of those stipulates that the Ministries of the Interior and Defence shall take measures concerning conflict-related detainees by referring them for prosecution or release within a two-month period. If implemented with proper respect for human rights standards, that could constitute a step forward in resolving cases of conflict-related detention in Libya.

Other aspects of the laws are of concern and have been criticized by Libyan lawyers, including by the National Council for Civil Liberties and Human Rights, which was created by the NTC itself. The language used with respect to amnesty is ambiguous, and therefore open to different interpretations, as it depends upon whether acts are deemed as having been "to promote or protect the revolution". We are seeking clarification that those laws will be applied in a manner that respects international human rights standards, including the prohibition of amnesties for war crimes, crimes against humanity and serious violations of human rights. The criminalization of speech against the new authorities is an infringement on the freedom of expression, not compatible with the principles of Libya's Constitutional Declaration or with international standards.

The mounting challenges that Libya's transition has to overcome, especially with regard to security, make it urgent that issues of legitimacy be settled through early electoral processes. The Libyan people need to feel that their Government is chosen by and accountable to them. I am therefore pleased to report the progress in the preparations for the National Congress elections.

As requested by the Libyan authorities, the United Nations has expanded its support to the High National Elections Commission by reinforcing its advisory role, supporting voter education, procuring registration and polling material and coordinating electoral assistance efforts from other international organizations. The United Nations integrated electoral team of personnel from UNSMIL, the United Nations Development Programme (UNDP) and the United Nations Office for Project Services is now co-located

with the Elections Commission Administration in Tripoli and deployed to three field locations — Tripoli, Benghazi and Sabha.

The Elections Commission had to establish sub-offices, identify warehouses and recruit and train staff, at the same time as adopting numerous regulations and by-laws, including those related to voter registration, candidate and entity nomination and the observation process. As I reported at the beginning of my statement, between 1 and 9 May, just over 1 million people had registered as voters. So far, the registration of women has been relatively low — accounting for about 36 per cent of those registered.

Because of the lack of reliable population figures and the very specific demographics of Libya, it is extremely difficult to establish a reliable estimate of the eligible voter population; educated guesses put the figure between 3 and 3.5 million. The initial registration figures, while encouraging, show that the pace of registration will need to increase during the second week of registration, and indeed, daily registration figures have accelerated over the past few days.

The registration of candidates and political entities presenting lists for the proportional races also started on 1 May, and was scheduled to be conducted over an eight-day period. In response to strong representations by political entities, on 7 May the Commission decided to extend the period for an additional week, to end on 15 May. The overall number of registered candidates and political entities is very encouraging, with 1,100 individual candidates and 47 political entities registered thus far.

While the initial pace of candidate and political entity registration was slow, the pace has consistently gained momentum and has continued to do so following the extension of the nomination period. Among individual candidates, however, the number of women coming forward has been extremely low — only 29 so far. That is disappointing, but perhaps unsurprising, as most women who want to run prefer to be included in the lists of political entities, which, by law, must include alternating male and female candidates.

Voter education has been a serious challenge in the process. The Elections Commission has produced in-house, nationwide voter education materials that include a poster campaign, newspaper inserts, text messages and public service announcements on television. Regrettably, the process started late, and a major increase in such activities is urgently needed.

Voter registration has proceeded with few security problems. A full election security plan is still being developed, with high-level Government attention and the strong involvement of UNSMIL's police advisers. The Ministry of the Interior has established an election security committee to coordinate all activities among the police directorates and districts, as well as among other security elements. The Ministry has designed and started to implement, under the guidance and assistance of UNSMIL police experts, extensive training programmes for all police officers who will be involved in election security.

Logistical, communication and vehicle shortages may impede the implementation of the election security plan, and local arrangements will be crucial. It is essential that all security agencies come together effectively to implement the plan.

The outcome of the voter registration process, the registration of political entities, the complaints and management process, and — perhaps most important — the vetting of the candidates by the Integrity and Patriotism Commission, will be key factors affecting the timeline.

Political entities have publicly voiced concerns with regard to the short time allotted to voter registration and candidate nomination processes, especially in the light of the weak state of civic education and political entity development. Nevertheless, a number of political parties and entities are emerging — holding congresses, developing manifestos and electing their leadership bodies. That is a healthy and concrete sign of the development of the democratic process.

I want to take this opportunity to commend the High National Elections Commission — a body that began its work less than four months ago with zero electoral experience — for its commitment and continued efforts to carry forward the electoral operations, in difficult conditions and an extremely limited time frame.

Elections are part of the transition; they are not the beginning and not the end. Elections will help to address some of the issues that plague the transitional authorities, but following the elections Libyans must

recommit themselves to serious long-term State-building. While the Constitutional Declaration stipulates that the national congress will be a transitional body and that elections for a long-term legislative structure will take place one year from this election, the incoming national congress will have several important tasks. They include the formation of a new Government, the appointment of the constitutional commission and reviewing and adopting important legislation, including the next electoral law. Given that it will be the first elected legislative body in Libya in the past half century, UNSMIL and UNDP are consulting with various stakeholders to prepare to provide both procedural and substantive support both to the national congress and the constitutional commission. While the democratic transition will move on to a new phase, UNSMIL's support to public security, human rights, transitional justice, the rule of law and arms proliferation and border security will also remain priorities for assistance to the new authorities.

As I have repeatedly said in the Chamber, we must constantly remind ourselves of the terrible legacy and tremendous difficulties that the Libyan authorities are facing in establishing a functioning State based on the rule of law and democracy. They should be credited with the degree of stability and the achievements thus far. At the same time, the international community should be frank with them and with ourselves in continuing to identify the challenges and gaps, while remaining committed to supporting Libyans in their quest for democracy and stability with technical advice and practical support. A stable democratic Libya is in everyone's interest.

The President: I thank Mr. Martin for his briefing.

I now give the floor to Mr. Moraes Cabral in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011), concerning Libya.

Mr. Moraes Cabral (Portugal): I have the honour to report to the Security Council on the work of the Committee established pursuant to resolution 1970 (2011). The report covers the period from 1 March to 10 May 2012. For the sake of brevity, I will focus my remarks on the most relevant aspects and read out an abridged version of my statement, as a hard copy of the entire report will be distributed and posted on the Committee's website.

As the Council knows, two important documents were before the Committee. The first was a working document (S/2012/178, annex) put together by the Panel of Experts — reflecting the contributions of the Panel, the Counter-Terrorism Committee Executive Directorate, the International Civil Aviation Organization, the United Nations Support Mission in Libya (UNSMIL), the United Nations Office for Disarmament Affairs, the Organization for the Prohibition of Chemical Weapons and the International Atomic Energy Agency — on the threats and challenges of arms proliferation from Libya to the region. The second was a final report (S/2012/163, annex) by the Panel on its monitoring of the implementation of the relevant measures, including the arms embargo, the travel ban and the asset freeze. Both documents are now publicly available on the Committee's website. Allow me to refer to the document on arms proliferation, which I believe should constitute a main area of concern. Key findings included the following.

First, at the time of the writing of the report, no man-portable air defence systems (MANPADs) originating from Libya had been seized outside the country. Nevertheless, significant threat variables existed, justifying further measures to mitigate the risk that MANPADs might pose.

Secondly, there was clear evidence that significant quantities of weapons other than MANPADs had left Libya during the conflict, in particular small arms and light weapons and associated ammunition, as well as explosives, and that certain existing factors could encourage further proliferation.

Thirdly, the increased supply of weapons and related materiel in the Sahel region was likely to have fuelled pre-existing insecurity, particularly in northern Mali.

Fourthly, all levels of authorities in Libya needed to be engaged in the overall efforts to control weapons and combat illicit trafficking.

Finally, at the regional level, attention had to be given to strengthening border control, enhancing regional cooperation and coordination efforts, increasing the exchange of information and curbing the specific threat related to MANPADs. The document concluded with specific recommendations to counter the threat of illicit arms proliferation in the subregion and the Sahel region.

Let me now turn to the final report of the Panel of Experts in accordance with resolution 1973 (2011). Among other things, it covers cases of transfers of military materiel to and from Libya since the imposition of the arms embargo, cases of non-compliance with the travel ban and cases of non-compliance with the asset freeze. In its report, the Panel of Experts made a total of 21 recommendations, addressed either to the Security Council, the Committee or Member States, including Libya. Both the Council and the Committee have already taken follow-up action on several of the recommendations.

On 9 April, the members of the Committee agreed to invite the Special Representative of the Secretary-General for Libya and Head of UNSMIL, Mr. Ian Martin, to a meeting of the Committee, in order to hold an exchange of views on five of the Panel's recommendations, as well as to discuss the working relationship between UNSMIL and the Panel. Yesterday, the members of the Committee held a fruitful exchange of views with Mr. Martin. I look forward to further exchanges of that nature with him. I believe that close interaction among the Committee, the Panel of Experts and UNSMIL is of particular importance to ensuring efficient coordination and avoiding overlaps. We have also scheduled a meeting of the Permanent Representative of Libya with the World Bank and the International Monetary Fund.

As of 9 May, the Committee had processed a total of 38 notifications or exemption requests concerning the arms embargo, a total of 154 notifications or exemption requests concerning the asset freeze and a total of 25 requests for guidance.

I would like to conclude by noting that, to date, the Committee has received reports from 57 Member States on their implementation of the relevant measures. On 2 April, I dispatched a note verbale to all Member States that contained a reminder for those that had not yet submitted their implementation reports to the Committee to do so without delay. On the same day, the Committee updated its list of individuals and entities subject to the travel ban and asset freeze, incorporating the new information provided by the Panel.

The President: I thank Ambassador Moraes Cabral for his briefing.

There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 3.35 p.m.